

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 28, 1994

ALL-COUNTY INFORMATION NOTICE NO. I-18-94

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY AUDITOR CONTROLLERS
ALL COUNTY CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: QUESTIONS AND ANSWERS
TITLE IV-A EMERGENCY ASSISTANCE (EA)
PHASE I PROBATION AND PHASE II CHILD WELFARE SERVICES

REFERENCE: ALL COUNTY LETTER (ACL) NO. 93-64, DATED SEPTEMBER 1, 1993
ALL COUNTY INFORMATION NOTICE (ACIN) I-41-93, DATED NOVEMBER 4, 1993

The purpose of this letter is to transmit a series of questions received and their answers pertaining to the implementation of Phase I and II of the Title IV-A Emergency Assistance (EA) program. This is the second in a series of questions and answers being forwarded to clarify policy issues regarding the implementation of the EA program. ACIN I-41-93, dated November 4, 1993, issued the first series of questions and answers.

As you know, EA is a federally-funded program under Title IV-A of the Social Security Act. Phase I was implemented July 1, 1993 and focused on county probation, including juvenile assessment centers, residential treatment facilities, non-federal foster care for wards, and after care. Phase II was implemented on September 1, 1993 and represents the child welfare services component, which includes emergency shelter care and non-federal foster care for dependents and voluntary placements.

Questions have been categorized by the following subject areas: Definitions, Application, Eligibility and Processing. This document is intended to provide a concise and comprehensive resource which will assist county welfare and probation departments in implementing the EA program. Further, the answers to the questions contained in this document supercede any previous information distributed regarding EA policy and procedures and should be implemented effective immediately.

The California Department of Social Services (CDSS) has been working with Region IX of the Department of Health and Human Services (DHHS) to resolve several issues regarding the implementation of the EA program and has recently received a written response addressing several of the EA issues. Recent discussions with Region IX staff, as well as their written response, indicate that Region IX has shifted their position on some EA issues which has, in turn, affected some of the

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CDSS' previously issued question and answer material. The CDSS will be sharing the federal responses to those program issues affected by the federal clarification. Currently, the CDSS is in the process of developing an ACL which will provide additional program instructions and clarify several of the pending EA issues.

Again, we would like to commend the counties for their positive input, patience, and cooperation in the development of this document. As we proceed with resolving policy issues regarding the implementation of Phases I and II, updates and modifications of this document can be expected. Your continued support and cooperation in the months ahead will be sincerely appreciated.

Should you have any comments or questions regarding this material or any further questions concerning the EA program, please contact Mr. Lou Del Gaudio at CDSS, Children's Services Policy Bureau, 744 P Street, MS 19-87, Sacramento, CA 95814, (916) 445-2890, or FAX (916) 445-2898.

A handwritten signature in cursive script, reading "Marjorie Kelly".

MARJORIE KELLY
Deputy Director
Children and Family Services Division

Attachment

California Department of Social Services
Children's Services Policy Bureau

Title IV-A Emergency Assistance
Phase I Probation and Phase II Child Welfare Services
Questions and Answers

Definition Questions

1. Q. Why are we using the Aid to Families with Dependent Children-Foster Care (AFDC-FC) definition instead of the Aid to Families with Dependent Children-Family Group (AFDC-FG) one for relatives?
- A. The AFDC-FC definition of relative is being utilized for the Emergency Assistance (EA) program in order to provide consistency among the programs serving children in out-of-home placement. For both Probation and Child Welfare Services (CWS), the specified relatives allowed under EA-Foster Care (EA-FC) are the same as those identified in the Eligibility and Assistance Standards (EAS) Manual, Section 45-101.1(ee) which defines relative as follows:

(ee) A Relative means:

- (1) A person related to the child by birth or adoption by virtue of being one of the following:
 - (A) The father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great-.
 - (B) The stepfather, stepmother, stepbrother or stepsister.
 - (C) The spouse of any person named in (A) or (B) above even after the marriage has been terminated by death or dissolution.*
- (2) For AFDC-FC purposes, when a parent's rights to a child are terminated by the filing of a relinquishment with the Department or by court action, that parent and his or her relatives are no longer considered to be the child's relatives.

*The Norman v. McMahon court case held that stepparents are only relatives during the time of the marriage and that a former stepparent no longer meets the definition of a relative for non-federal AFDC-FC purposes. However, it should be noted that a former stepparent will continue to meet the definition of relative for federal AFDC-FC program purposes.

Application Questions

2. Q. Whose information is used in the "Information Required for Eligibility Verification" section when the household in which the minor was living is a non-relative? Should the information be the minor's parent/relative information even though the minor was not living there at time of removal, or should it be information on the non-relative from which the minor was removed?
- A. Non-relative information should never be entered in the "Information Required for Eligibility Verification" section of the EA application. Only the child's parent or relative information should be entered. This relative information should be correlated to the parent or adult relative from whom the child was removed or with whom the child has lived for the greatest amount of time during the prior six months. Entering the parent or relative information provides the basis for tracking the family's current, and possibly future, periods of EA eligibility.
3. Q. Does it matter if the parent/relative signing the application is not the relative with whom the child has been living with in the last six months?
- A. No. However, they must be able to provide the information required for completion of the "County Worker Certification" section of the EA application. In this situation, information regarding the parent or relative with whom the child was living in the past six months should be entered in the "Information Required for Eligibility Verification" section as the head of household. If the other relative lacks specific knowledge of the family elements required for certification, then the county worker should collect the parental/relative information necessary for determining eligibility before signing the EA application applying on behalf of the child.
4. Q. Does the EA case need to contain any verification of the degree of relationship?
- A. No specific verification is required regarding the degree of relationship beyond the EA applicant's self-certification. The degree of relationship is entered in the "County Worker Certification" section of the EA application. Counties are instructed to circle the appropriate relative from the list provided in question 2 of that section. It should be noted that not all of the AFDC-FC relatives are listed on the EA application; if the relative is not listed, then document the relationship by writing it on the form.
5. Q. What is the date of the application?
- A. The date of application is the date the parent/relative signs the EA application or, when the parent/relative is unavailable or unwilling to apply on behalf of the child, the date the county worker signs

the application on the behalf of the child. In the rare situation that both the county worker and a parent/relative have signed the EA application, the earliest date of signature is the date of application.

6. Q. Will another copy of the EA application be added? Since all four copies must be submitted to the Eligibility Worker (EW), parents are being asked to sign something but not being given a copy of it pending eligibility determination. Additionally, the language printed on the back is very confusing about the issuance of the Notice of Action (NOA).
- A. The current EA application is scheduled to be revised in the summer of 1994. The Department has established a work group comprised of county welfare and probation staff as well as State staff to develop a revised application. With regard to the NOA, the CDSS is aware of concerns regarding clarity and correctness of the NOA language. The NOA is scheduled to be revised at the same time as the EA application. Consideration will also be given to the number of copies needed at that time.
7. Q. How is the EW expected to determine alien status? This question is not on the EA application.
- A. The applicant can provide self-certification regarding all conditions of eligibility including alien status. Although there is no question on the EA application asking for alien status, the county worker should ask this information of the applicant and document their findings in the case file. However, since the amnesty aliens are only ineligible for federal programs through May 1994, this question need only be asked of applicants through May 1994. Amnesty aliens will be eligible for the EA program beginning in June 1994.

Eligibility Questions

8. Q. Counties have been told that they cannot claim EA for either a legal or undocumented alien child if anyone in the household is an amnesty alien. Is this correct?
- A. No. The DHHS policy states that the legal or undocumented child's eligibility is not effected by the citizenship status of other members of the household, including the parents. Household members who are amnesty aliens are ineligible for EA services even though the application is on behalf of the family. However, amnesty aliens are only ineligible through May 1994. Beginning with June 1994, amnesty aliens should be treated like all other aliens for purposes of processing the EA application.

9. Q. Is the child the head of household in a household of one?
- A. Based on the EA requirement that a child must have lived with a parent or relative within the past six months, conceptually, a "household of one" cannot exist within the EA program. A parent or relative's information must be entered on the EA application as head of household. In the event that the head of household's social security number is unavailable, the child's social security number may be used until the head of household's can be obtained. However, this still does not constitute a "household of one." Reference ACIN I-41-93, Questions #64 through #68, for further information on head of household.
10. Q. If an EA eligible child returns to a county shelter before the end of the EA eligibility period, can the extra days spent in that facility be claimed as EA Emergency Shelter Care (EA-ESC)?
- A. Yes, such an activity might be considered a continuation of the original episode which resulted in the child's removal and placement in shelter care. The possibility of the child's return to EA-ESC should have been covered in the child's case plan which was developed during the 30-day service authorization period in order to classify the child's return to ESC as a continuation of the original episode.
11. Q. Our Probation Department started tagging EA applications in 7/93 but did not forward them to the eligibility unit until 8/93. This resulted in the denial of a number of applications because services could not be authorized within 30 days. If a child in this category is subsequently arrested on a probation violation, can EA be approved?
- A. Yes. EA eligibility would not have been consumed; therefore, the minor would be potentially EA eligible.
12. Q. (a) Can shelter/foster care payments be resumed for "EA (IV-A), eligible children," within the EA eligibility period, provided the child has been a dependent, placed in out-of-home care, continuously since the initial court detention? For example, a IV-E ineligible IV-A eligible child is detained by the court in a county-operated shelter; an EA application is processed and approved; two weeks later, the child is placed with a relative, that relative does not want AFDC-FC payments; then, in four months, the child is placed in a licensed foster home. (b) Could the County Welfare Department (CWD) claim EA funding for the initial emergency shelter placement and then, four months later, the non-federal foster care placement?
- A. (a) Yes. Even though ACIN I-41-93 states that CWS children placed with relatives are not eligible for EA funding, a break-in-payment does not constitute, in and of itself, a break-in-aid. As long as the child's case remains open and active, the child may be eligible for EA funding when returned to non-federal foster care placement.

This premise applies to both CWS dependent children and probation's children who become wards of the court. (b) For both the CWS and the probation child, EA eligibility would be dependent upon whether the case plan was written broadly enough to provide for the possibility that the child might be placed with a relative, subsequently removed from the relative's home, and placed in out-of-home care. As long as the child's placement with the relative was accompanied by appropriate services, there is no break-in-aid and the case remains open.

A break-in-aid constitutes an end to the emergency situation by returning the child to a relative with no provision for further services and the case is closed. A break-in-aid would not allow for continuing EA eligibility if the child was subsequently removed from the relative and placed in out-of-home care.

13. Q. When emergency shelter is provided prior to the detention order, can that cost be covered by EA even though the case is subsequently granted federally eligible foster care?
- A. Yes, ESC are be claimed under the EA program if the situation involves a CWS child or a probation child who remains in out-of-home care for a minimum of 72 consecutive hours.
14. Q. In order to claim EA foster care, does the child have to be placed in a foster care eligible facility?
- A. No. As stated in the approved Title IV-A State Plan, payment for EA foster care (out-of-home care) is extended to county-operated public institutions/emergency shelter care, as well as, licensed or certified foster care facilities.
15. Q. Is a case eligible for EA foster care even when the case is not eligible for federal or state-only foster care?
- A. Yes, these are the General Assistance cases referenced in ACIN I-41-93, question 30. EA General Assistance foster care cases are currently funded 50% federal and 50% county.
16. Q. If we have a probation juvenile hall EA child who becomes a 300 child and is placed out of juvenile hall into a non-federal foster care placement, does the EA continue or would it be considered a new episode?
- A. The EA eligibility would continue provided the case plan for the minor was written broadly enough to anticipate the child's possible placement from juvenile hall into foster care. Both the juvenile hall and foster care placement would be considered a result of the originating emergency.

17. Q. The EA application refers to the "primary service child." What if four siblings are removed at the same time? Can we only pay EA for one of them? If so, can we designate whomever we wish as the primary?
- A. All siblings would be eligible for EA. Further, it would not be necessary to complete four separate EA applications since the EA application is on behalf of the entire family. The county can, at their discretion, designate one sibling as the "primary service child." Other siblings would be eligible via their inclusion in the case service plan. The List of Emergency Assistance Participants System (LEAPS) will accept multiple verification clearances on multiple children from the same household. The county should note in the alias section of the LEAPS verification screen that it is a sibling case (i.e., SIB 1, SIB 2, etc.).
18. Q. If EA is requested on behalf of a primary service child by the head of household and the child is subsequently returned to the head of household during the EA period of eligibility, would the service child be eligible again during the EA eligibility period if a second removal from head of household is identified as new incident or new emergency?
- A. Yes, if the child's case remained open and services were being provided, then a second removal could be considered as a continuation of the previously unresolved episode. The continuation of the child's eligibility would be dependent upon whether the case plan for the minor was written broadly enough to provide for the possibility that the child might be removed from the head of household's home and place in out-of-home care again. No, if the original case plan had been closed after the child's return to the head of household, that would constitute a break-in-aid which would preclude the continuation of the EA episode. In either situation, the county has the ability to abate a previous episode and claim the current emergency under EA if they choose. In any case, there is only one period of EA eligibility during a twelve-month period.
19. Q. Does the "one episode in a rolling 12-month period" limitation apply in cases where the first episode was Probation EA and the second was CWS EA (or vice-versa)?
- A. Yes. EA eligibility is limited to one emergency episode in a 12-month period regardless of placement (i.e., Probation or CWS).
20. Q. What is the age limit for EA eligible children and is there a link to school attendance?
- A. The Title IV-A State Plan for EA states that EA will be available to needy families with children under the age of 21. There is no link with school attendance for the purposes of EA.

Processing Questions

21. Q. Can we abate one child in favor of another?
- A. The EA application is on behalf of the family; therefore, multiple siblings in a family may be concurrently eligible for EA funding. Further, depending on how the case plan is written, siblings who are not removed at the same time may still be EA eligible under the originating emergency. Based on this policy, counties are not required to abate one child in favor of another. The DHHS's concept of a continuous service plan and/or ties to the original precipitating emergency provides for the continuation of the original emergency if the second child is included in the original case plan. This policy provides counties with the flexibility to maximize federal financial participation where appropriate. However, counties may chose to abate a family's previous EA episode in favor of a subsequent episode.
22. Q. How does a county abate an EA episode and obtain a new "not to exceed" date?
- A. If a county receives a LEAPS response indicating EA eligibility has been consumed, and a new emergency exists which the county prefers to claim under EA, the county must submit to LEAPS a document from the county fiscal officer requesting the abatement. The document must be attached to the new Request for Verification based on the "new" emergency situation and must include information sufficient to identify the previous episode in LEAPS. LEAPS will abate the previous episode and issue a new "not to exceed" date. It is important that counties realize this abatement procedure abates the prior episode out of the LEAPS system only for the purpose of obtaining a new "not to exceed" date. To completely abate a previous EA episode, the county must reverse or "abate" any fiscal claiming activities which may have occurred.
23. Q. Is there a duplicate payment issue with children that are removed from an AFDC home?
- A. No, however, the child must be removed from the AFDC household the following month if the child remains in out-of-home care.
24. Q. If a non-federal foster care case is funded through Title IV-A EA, what is needed to accomplish a transfer to State FC funding at the end of the EA eligibility period?
- A. Prior to the end of, or during, the EA foster care eligibility period, a foster care application must be taken and eligibility for State AFDC-FC determined. These types of cases cannot be treated as interprogram status change (IPSC).

25. Q. (a) What is the extent of documentation needed beyond those items mentioned in ACL 93-64, page 4? (b) Does eligibility need verification in the case record that the second episode is a continuation of the first? (c) Does eligibility need verification in its case record that the first episode is abated?
- A. (a) The EW should maintain any documentation which supports the eligibility determination beyond those items required to be completed on the EA application, such as alien status. (b) A "second" episode can be considered a continuation of the original episode when the original case plan is written broadly enough to provide for conditions which could lead to a second removal. The second removal would be considered to be a continuation of the original unresolved emergency (i.e. continued abuse) rather than a new placement episode; therefore, the resulting placement would be eligible for EA claiming. No new application would be necessary if a removal qualified as a continuation of the original episode. However, if the case plan does not include provisions which would provide for subsequent removals as a continuation of the first episode (i.e., the case was closed or no services were provided during the interim time frame), then the second emergency would be subject to the application and eligibility process for EA. (c) Documentation regarding abated episodes should be in the case file (i.e., a copy of the county's letter sent of their fiscal department requesting an abatement).
26. Q. Is it acceptable for eligibility to complete an intercounty transfer of the eligibility file by faxing the EA application, LEAPS approval and detention order to the receiving county with the date EA services stopped in the sending county?
- A. It is acceptable for eligibility to fax the documents required to accomplish an intercounty transfer. However, because an intercounty transfer is an on-going episode of EA, there are no authorization timelines to which the county must adhere. Therefore, it is the county's decision whether faxing transfer documents is necessary.
27. Q. Are the court order requirements for EA the same as for AFDC-FC (IV-E)? If so, do we deny if the court order does not contain the three required IV-E elements?
- A. There is no requirement for EA that the court order contain the "three elements" required in AFDC-FC (Eligibility and Assistance Standards Section 45-202.411 or 45-203.313). However, counties are advised to include these required elements in all court orders in the event that AFDC-FC eligibility is sought for the child in the future.
28. Q. If EA relates to a household rather than to a specific child, does it follow that we file all siblings/stepsiblings documentation in the head of household file?

- A. Yes, if all siblings/stepsiblings are included as part of the case/household for application purposes. No, if only selected members of the family unit apply for EA. As stated in CFL 93/94-04, the EW shall establish a unique folder for each case which is indexed to the head of household and their corresponding social security number for every initial application received. A case includes all family members who are applying for EA based on the emergency created by the removal from the household of an eligible child. Additionally, the EW shall maintain a list to cross reference each child to their corresponding head of household file, showing the authorization date and the "not to exceed" date for every case.
29. Q. A child is removed from his/her home and is temporarily placed in shelter care. An EA application is processed and approved. Two weeks later the child is placed into a licensed family home. It is determined that the child is federally eligible so AFDC-FC, Title IV-E, is authorized when the child is placed in the licensed family home. The licensed family home placement subsequently fails and the child is returned to a county-operated shelter care facility which is not eligible for Title IV-E funding. Can EA be claimed when the child is returned to a county-operated shelter care facility after IV-E has been approved for the child's placement in the licensed family home?
- A. Yes, since Title IV-E funding is not available for a federally eligible child who is placed in a IV-E ineligible facility, EA could be used to fund the child's subsequent return to shelter care. However, the child's case plan should be written broadly enough to anticipate the child's possible placement failure. If the child was subsequently returned to a IV-E eligible facility, then Title IV-E would be claimed again provided the child is otherwise eligible.